IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
NICHOLAS GIOVANNI	:	VIOLATIONS: 18 U.S.C. § 1030(a)(5)(A)(i) (computer
	:	intrusion – 2 counts)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1.   International SOS Assistance, Inc. ("SOS") is the world's largest medical assistance/logistics company. It provides security and medical support through global access to a network of facilities and services to more than 70 percent of Fortune 500 companies. Additionally, SOS has contracts with the United States Departments of State and Defense, as well as numerous foreign governments. SOS helps these organizations manage the health and safety risks facing their travelers, global workforce, and customers by providing, among other things, emergency medical care and evacuation services.

2.   From its headquarters in Trevose, Pennsylvania, SOS maintains a secure website that can be accessed by registered users in need of medical and other assistance throughout the world. SOS provides real-time updates of news and events affecting regions throughout the world. SOS operates in approximately 60 countries, including some that border the Indian Ocean.

3. The defendant NICHOLAS GIOVANNI was employed as a senior developer and webmaster by SOS from in or about 1999 to on or about November 9, 2004. During this time, defendant GIOVANNI developed a substantial portion of the SOS web application.

4. A "Trojan Horse" or "Trojan" is a software program in which harmful or malicious code is contained within another seemingly harmless program. When this program executes, the Trojan performs a set of actions, usually working towards the goal of allowing itself to persist on the target system. Trojans can allow computer "hackers" to open "back doors" into the target system, giving them access to files and network connectivity.

5. While employed at SOS, defendant NICHOLAS GIOVANNI created a Trojan on SOS's network without SOS's permission or authority. Defendant GIOVANNI began accessing this Trojan while employed at SOS and continued to improperly access SOS's network and files even after he was no longer employed by SOS.

6. For instance, defendant NICHOLAS GIOVANNI accessed the Trojan on at least the following dates while still employed by SOS: July 7, July 13, July 14, and October 5, 2004.

7. After defendant NICHOLAS GIOVANNI left SOS, he moved to California and began accessing the Trojan from there. He accessed the Trojan on at least six separate occasions between November 14 and November 24, 2004, and again on November 26, 2004.

8. On November 30, 2004, defendant NICHOLAS GIOVANNI accessed the Trojan and intentionally added a code that disabled the SOS main website and required remedial measures to be undertaken.

9. Defendant NICHOLAS GIOVANNI continued to access the Trojan throughout December 2004. For instance on December 15, 2004, GIOVANNI altered the main SOS website, adding a "skull and crossbones" graphic to the upper left corner of the page.

10.   Finally, on December 26, 2004, defendant NICHOLAS GIOVANNI completely disabled access to the vital functions of the SOS website. This attack occurred in the midst of a tsunami in the Indian Ocean and disrupted the coordinated relief efforts pertaining to this disaster. Those affected by this crisis were therefore unable to access SOS's critical medical assistance and information.

11.   These attacks also required SOS to incur monetary damages in excess of $100,000 to detect and repair the problems caused by defendant NICHOLAS GIOVANNI.

THE CHARGE

12.   On or about November 30, 2004, in Trevose, Pennsylvania, in the Eastern District of Pennsylvania, and elsewhere, defendant

NICHOLAS GIOVANNI

knowingly caused the transmission of a program, information, code and command, and as a result of such conduct, intentionally caused more than $5,000 in damage without authorization, to a protected computer, that is the SOS computer network, during a one-year period.

In violation of Title 18, United States Code, Section 1030(a)(5)(A)(i).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

    1.   The facts alleged in paragraphs 1 through 11 of Count One are realleged.

    2.   On or about December 26, 2004, in Trevose, Pennsylvania, in the Eastern District of Pennsylvania, and elsewhere, defendant

NICHOLAS GIOVANNI

knowingly caused the transmission of a program, information, code and command, and as a result of such conduct, intentionally caused more than $5,000 in damage without authorization, to a protected computer, that is the SOS computer network, during a one-year period.

    In violation of Title 18, United States Code, Section 1030(a)(5)(A)(i).

               A TRUE BILL:

               _____
               FOREPERSON

_____
PATRICK L. MEEHAN
United States Attorney